

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

ROLANDO LUGO,

Plaintiff,

v.

QEP RESOURCES, INC.,

Defendant.

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CIVIL ACTION NO. 7:17-cv-171

**DEFENDANT’S MOTION NUNC PRO TUNC FOR LEAVE TO
EXTEND DEADLINE TO SERVE OBJECTIONS AND
RESPONSES TO PLAINTIFF’S WRITTEN DISCOVERY REQUESTS**

Defendant QEP Resources, Inc. (“Defendant”) files this Motion, *Nunc Pro Tunc*, for Leave to Extend Deadline to Serve Defendant’s Objections and Responses to Plaintiff’s Written Discovery Requests. Defendant respectfully requests this Court grant leave to serve Plaintiff with objections and responses to Plaintiff’s written discovery requests, including Requests for Admissions, Interrogatories, and Requests for Productions, by February 21, 2018.

On February 14, 2014, Plaintiff emailed Defendant’s counsel stating that: Defendant’s counsel was served with Plaintiff’s written discovery requests on December 26, 2017; that such requests were now 20 days late; and that Plaintiff would file a Motion that Admissions be deemed admitted and to Motion to Compel Interrogatories and Requests for Discovery. Due to a clerical issue, Defendant’s counsel was unaware of Plaintiff’s discovery requests until receiving Plaintiff’s February 14, 2018 email. In fact, Plaintiff and Defendant’s counsel exchanged emails on January 29, 2018, where Plaintiff requested a courtesy copy of the Court’s scheduling order and Defendant’s counsel provided Plaintiff with the order, and such outstanding requests were not mentioned.

Defendant has called Plaintiff (without response) and responded to Plaintiff's February 14, 2018 email, explaining the clerical issue experienced and attempting to conference with Plaintiff to request additional time to respond to such requests. Defendant has stated he would not agree to the motion or any extension of time. Since Defendant's counsel was made aware of Plaintiff's discovery requests, Defendant has begun working expeditiously to prepare and deliver objections, responses, and productions.

Defendant respectfully requests that this Court grant leave for the Defendant to serve its objections and responses within one week, making the effective deadline February 21, 2018.

Respectfully submitted,

By: /s/ A. Robert Fischer
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Plaintiff regarding this Motion and regarding an extension of time by attempted phone call and email correspondence, where Plaintiff responded by email that he would not agree. Accordingly, Defendant has conferred with Plaintiff regarding this Motion and Plaintiff is opposed to this Motion.

CERTIFICATE OF SERVICE

I certify that I filed the foregoing document in accordance with the protocols for e-filing through the CM/ECF system in the United States District Court for the Western District of Texas, Midland-Odessa Division, on February 15, 2018, and has been served upon the following Plaintiff via certified mail:

Rolando Lugo, *pro se*
20919 Encino Dawn,
San Antonio, Texas 78259
PH: 210-396-9503

/s/ A. Robert Fischer
A. Robert Fischer